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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,398	01/28/2004	Joseph J. Settelmayer	YAK 382	2860

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EXAMINER	
VANTERPOOL, LESTER L	

ART UNIT	PAPER NUMBER
3782	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/767,398	SETTELMAYER ET AL.	
	Examiner	Art Unit	
	Lester L. Vanterpool	3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,5,7-14 and 18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,5,7-14 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 3, 5, 7 – 9 & 18 mailed on April 17, 2007 are withdrawn in view of the newly discovered reference(s) to Eugler (European Patent Number 0422678 A1). Rejections based on the newly cited reference(s) follow.

2. Claims 3, 5, 7, 8, 9, 10, 11, 12, 13, 14 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eugler (European Patent Number 0422678 A1) and Van der Feen et al., (U.S. Patent Number 6296161 B1).

Eugler discloses the box having the lid (2) and the bottom (1) (See Figures 1 & 2),

one or more hinge devices (3) releaseably connecting the lid (2) to the bottom (1), each hinge (3) having the first portion (See Figures 1 & 2) secured to the lid (2), and the second portion (See Figures 3, 4, 5 & 6) secured to the bottom (1), the hinge (3) being configured to permit pivotal rotation of the lid (2) along the edge portion of the bottom (1) (See Figures 2 & 3), and being provided with the release mechanism (24 & 27) so that the hinge device (3) can also function as the latch allowing separation of the first and second portions of the hinge device, wherein the hinge device (3) automatically snaps into engagement when the first portion is urged toward the second portion, one of the first and second portions having the catch (See Figures 3 – 5), the other portion having the enlarged structure (See circular end of (10) in Figures 5, 6 & 7) configured

for receipt by the catch, and wherein the catch is spring (14) biased toward the closed position which permits entry of the enlarged structure (See circular end of (10) in Figures 5, 6 & 7) into the catch but does not allow exit of the enlarged structure (See circular end of (10) in Figures 5, 6 & 7) from the catch without manipulation (See Abstract).

However, Eugler does not disclose the clamp device configured to attach the bottom of the box to the pair of crossbars on top of the car.

Van der Feen et al., teaches the clamp device (2) configured to attach the bottom of the box to the pair of crossbars (3) on top of the car (See Column 2, lines 34 – 37) (See Figures 1 – 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the clamp device configured to attach the bottom of the box to the pair of crossbars on top of the car as taught by Van der Feen et al., with the car top carrier of Eugler in order to enhance reliable and durable anchoring to reduces excess movement.

Regarding claim 5, Eugler discloses the box having the lid (2) and the bottom (1),

one or more hinge device (3) releaseably connecting the lid (2) to the bottom (3), each hinge (3) having the first portion secured to the lid, and the second portion secured to the bottom, the hinge (3) being configured to permit pivotal rotation of the lid along the edge portion of the bottom, and being provided with the release mechanism (24 & 27) so that the hinge device (3) can also function as the latch allowing separation of the

first and second portions of the hinge device (3), wherein the hinge device (3) automatically snaps into engagement when the first portion is urged toward the second portion, one of the first and second portion s having the catch, and the other portion having the enlarged structure (See circular end of (10) in Figures 5, 6 & 7) configured for receipt by the catch, and

wherein the pawl (11) can be pushed aside by the enlarge structure upon entry but not upon exit of the catch (See Figure 7).

However, Eugler does not disclose the clamp device configured to attach the bottom of the box to the pair of crossbars on top of the car.

Van der Feen et al., teaches the clamp device (2) configured to attach the bottom of the box to the pair of crossbars (3) on top of the car (See Column 2, lines 34 – 37) (See Figures 1 – 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the clamp device configured to attach the bottom of the box to the pair of crossbars on top of the car as taught by Van der Feen et al., with the car top carrier of Eugler in order to enhance reliable and durable anchoring to reduces excess movement.

Regarding claim 7, Eugler discloses the box having the lid (2) and the bottom (1),

one or more hinge devices releasably connecting the lid to the bottom, each hinge having the first portion secured to the lid (2), and the second portion secured to the bottom, the hinge being configured to permit pivotal rotation of the lid along the edge

portion of the bottom, and being provided with the release mechanism (24 & 27) so that the hinge device can also function as the latch allowing separation of the first and second portions of the hinge device, wherein one of the first and second portions has the catch including the pawl (11) that is spring (14) biased toward the constricted-passage position, and the other portion has the enlarged structure (See circular end of (10) in Figures 5, 6 & 7) configured for receipt by the catch, and further wherein the pawl (11) (See Figure 7) can be pushed aside by the enlarged structure upon entry but not upon exit of the catch (See Figure 7), and

wherein the catch is spring (14) biased toward the closed position which permits entry of the enlarged structure (See circular end of (10) in Figures 5, 6 & 7) into the catch but does not allow exit of the enlarged structure (See circular end of (10) in Figures 5, 6 & 7) from the catch without manipulation.

However, Eugler does not disclose the clamp device configured to attach the bottom of the box to the pair of crossbars on top of the car.

Van der Feen et al., teaches the clamp device (2) configured to attach the bottom of the box to the pair of crossbars (3) on top of the car (See Column 2, lines 34 – 37) (See Figures 1 – 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the clamp device configured to attach the bottom of the box to the pair of crossbars on top of the car as taught by Van der Feen et al., with the car top carrier of Eugler in order to enhance reliable and durable anchoring to reduces excess movement.

Regarding claim 8, Eugler discloses the box having the lid (2) and the bottom (1),

one or more hinge devices releasably connecting the lid (2) to the bottom (1), each hinge (3) having the first portion secured to the lid (2), and the second portion secured to the bottom, the hinge (3) being configured to permit pivotal rotation of the lid along the edge portion of the bottom, and being provided with the release mechanism (24 & 27) so that the hinge device (3) can also function as the latch allowing separation of the first and second portions of the hinge device (3), wherein one of the first and second portion s has the catch including the pawl that is spring (14) biased toward the constricted-passage position, and the other portion has the enlarged structure (See circular end of (10) in Figures 5, 6 & 7) configured for receipt by the catch, and further wherein the pawl (11) can be pushed aside by the enlarged structure (See circular end of (10) in Figures 5, 6 & 7) upon entry but not upon exit of the catch, and

wherein the enlarged structure is substantially spherical so that the hinge device permits the first and second portions to be mounted on various lid and bottom shapes.

However, Eugler does not disclose the clamp device configured to attach the bottom of the box to the pair of crossbars on top of the car.

Van der Feen et al., teaches the clamp device (2) configured to attach the bottom of the box to the pair of crossbars (3) on top of the car (See Column 2, lines 34 – 37) (See Figures 1 – 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the clamp device configured to attach the bottom of the

box to the pair of crossbars on top of the car as taught by Van der Feen et al., with the car top carrier of Eugler in order to enhance reliable and durable anchoring to reduces excess movement.

Regarding claim 9, Eugler discloses the box having the lid (2) and the bottom (1), one or more hinge devices (3) releasably connecting the lid (2) to the bottom (1) (See Figures 1 & 2), each hinge (3) having the first portion secured to the lid (2), and the second portion (See Figures 4 – 7) secured to the bottom (1), the hinge (3) being configured to permit pivotal rotation of the lid along the edge portion of the bottom (1), and being provided with the release mechanism (24 & 27) so that the hinge device (3) can also function as the latch allowing separation of the first and second portions of the hinge device (3), wherein one of the first and second portions has the catch including the pawl (11) that is spring (14) biased toward the constricted-passage position, and the other portion has the enlarged structure (See circular end of (10) in Figures 5, 6 & 7) configured for receipt by the catch, and further wherein the pawl (11) can be pushed aside by the enlarged structure (See circular end of (10) in Figures 5, 6 & 7) upon entry but not upon exit of the catch, and wherein the catch is provided with the spring (14) that urges the enlarged structure (See circular end of (10) in Figures 5, 6 & 7) to disengage when catch is manipulated to the open position.

However, Eugler does not disclose the clamp device configured to attach the bottom of the box to the pair of crossbars on top of the car.

Van der Feen et al., teaches the clamp device (2) configured to attach the bottom of the box to the pair of crossbars (3) on top of the car (See Column 2, lines 34 – 37) (See Figures 1 – 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the clamp device configured to attach the bottom of the box to the pair of crossbars on top of the car as taught by Van der Feen et al., with the car top carrier of Eugler in order to enhance reliable and durable anchoring to reduces excess movement.

Regarding claim 10, Eugler discloses first and second lid supports (4 & 5), each lid support (4 & 5) connecting the lid (2) to the bottom (1) (See Figures 1 & 2).

Regarding claim 11, Eugler discloses each lid support (See Figures 1 & 2) includes the slider (5) mounted on the spring, and the cam slidably contacting the slider (5) so that the lid (2) supports assists in opening and closing the lid (2).

Regarding claim 12, Eugler discloses the first portion has the enlarged structure and the second portion has the catch (See Figures 3 – 7).

Regarding claim 13, However, Eugler does not disclose the first portion has the catch and the second portion has the enlarged position.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the first portion have the catch and the second portion have the enlarge position, since it has been held that rearranging parts of an invention involves only routine skill in the art.

Regarding claim 14, Eugler discloses the second portion (See Figures 6 & 7) has the receptacle with the flared lip (31) allowing the limited amount of hinge (3) rotation (See Figures 6 & 7).

Regarding claim 18, Eugler discloses the box having the lid (2) and the bottom (1), one or more hinge devices (3) releasably connecting the lid to the bottom, each hinge (3) having the first portion secured to the lid (2) (See Figures 1 & 2), and the second portion secured to the bottom (1) (See Figures 4 – 7), the hinge ((3) being configured to permit pivotal rotation of the lid along the edge portion of the bottom (1), and being provided with the release mechanism (24 & 27) so that the hinge device (3) can also function as the latch allowing separation of the first and second portions of the hinge device (3), wherein the hinge device (3) automatically snaps into engagement when the first portion is urged toward the second portion, the first and second portions being configured to permit relative rotation around at least two axes (See Figures 1 – 7).

However, Eugler does not disclose the clamp device configured to attach the bottom of the box to the pair of crossbars on top of the car and wherein the clamp

device includes at least one cam lever positioned inside the box for opening and closing the clamp device securely around the crossbar.

Van der Feen et al., teaches the clamp device (2) (See Figures 1 – 5) configured to attach the bottom of the box to the pair of crossbars (3) on top of the car (See Column 2, lines 34 – 36) and wherein the clamp device (2) includes at least one cam lever (9) positioned inside the box for opening and closing the clamp device (2) securely around the crossbar (3) (See Figures 1 – 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the clamp device configured to attach the bottom of the box to the pair of crossbars on top of the car and wherein the clamp device includes at least one cam lever positioned inside the box for opening and closing the clamp device securely around the crossbar as taught by Van der Feen et al., with the car top carrier of Eugler in order to enhance reliable and durable anchoring to reduces excess movement.

Response to Arguments

Applicant's arguments with respect to claims 3, 5, 7 – 14 & 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Japan Patent Number 183396 and Gronwoldt et al., (U.S. Patent Number 5823411 and Schuller (U.S. Patent Number 3677196).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LLV

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SUPERVISORY PATENT EXAMINER